

REMARKS/ARGUMENTS

This reply is responsive to an Office Action mailed on April 19, 2007. Reconsideration and allowance of the application and presently pending claims 1, 3-14, and 16-21 are respectfully requested.

Present Status of the Patent Application

Claims 1, 3-14, and 16-21 remain pending in the present application. Claims 1, 3-14, and 16-21 have been rejected. Claims 22-28 have been withdrawn due to a restriction election. Claims 1 and 3 have been amended. Claims 2 and 15 have been cancelled.

Applicant wishes to express his appreciation to the Examiner for the acknowledgement of the allowance of claim 11.

Response to Claim Rejections Under 35 U.S.C. §103

Claims 1, 3-10, 13, 14, and 16-19 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Rohrbacher (U.S. Patent No. 5,718,015) in view of Chayer (U.S. Pat. No. 5,349,722).

Claims 12 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Rohrbacher and Chayer as applied to claim 5 in view of Colt et al. (U.S. Pat. No. 3,831,223).

Claims 20 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Rohrbacher and Chayer as applied to claim 1 in view of Ellison et al. (U.S. Patent No. 4,723,337) and further in view of Wisdom (U.S. Patent No. 3,775,053).

Independent Claim 1

Independent claim 1, as amended, is allowable for at least the reasons that Rohrbacher and Chayer do not disclose, teach, or suggest the following:

- 1) "the suction conduit extending the length of the surge barrier",
- 2) "a plurality of fasteners attaching the suction conduit to the surge barrier", or
- 3) "a plurality of angularly disposed inlets in the suction conduit offset from the vertical"

Rohrbacher discloses a water reclamation ring 62 containing a plurality of holes 63 for vacuuming up the wastewater. Rohrbacher does not disclose a surge barrier or that holes 63 are "angularly disposed." In fact since the water reclamation ring 62 is on wheels and not in direct contact with the floor, Rohrbacher places the holes spaced from the surface on the lowest point of the ring 62 and face directly downwardly and not "angularly disposed". Thus, Rohrbacher's holes that are spaced from the surface are less likely to draw in liquid due to the spacing from the surface.

Chayer discloses a fluid containment boom 22 having an elongated casing 38, which defines an internal vacuum plenum 52. A gasket 46 on a lower edge of the boom 22 provides a tight seal with the surface and prevents the boom from moving. Chayer does not disclose a suction conduit having a plurality of angularly disposed inlets.

Additionally, neither Rohrbacher nor Chayer includes both a surge barrier and a suction conduit, so neither also include "a plurality of fasteners attaching the suction conduit to the surge barrier."

Furthermore, it would not be obvious to modify the water cyclone sprayer 50 of Rohrbacher including the water reclamation ring 62 with the elongated casing 38 of

Chayer, because the water cyclone sprayer is on wheels so that it may be moved around the surface to be cleaned and the elongated casing of Chayer includes a seal to prevent it from moving.

Therefore, neither Rohrbacher nor Chayer disclose the "fluid collector" of claim 1, and the combination of Rohrbacher and Chayer is not obvious.

Accordingly, the rejection is deficient in these areas. Notwithstanding, the undersigned has reviewed the entirety of the Rohrbacher and Chayer patents and has failed to identify any such teachings anywhere within these references. Accordingly, the Rohrbacher and Chayer patents fail to teach or disclose the invention as defined by claim 1, and the rejection of claim 1 should be withdrawn.

Claims 12 and 20 are dependent on independent claim 1, and are allowable for at least the reasons described above. Therefore, the rejection of claims 12 and 20 should be withdrawn.

Dependent Claims

Dependent claims 3-10, 12-14, and 16-21 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 1. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

CONCLUSION

The other cited art of record has been reviewed, and it is believed that the claims, as amended, patentably distinguish thereover.

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and rejections have been traversed, rendered moot, and/or accommodated, and that now pending claims 1, 3-14, and 16-21

are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned at 619-209-3063.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

By: 

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